RECENT CASE NOTES

ALIEN FRIEND—AMERICAN-BORN WIFE—RESIDENT CITIZEN OF ENEMY STATE—INHERITANCE.—The plaintiff and the defendant were sisters, the only daughters of a decedent American citizen. The defendant married an Austrian subject before the outbreak of war between the United States and Austria. With her husband, she had resided continuously in the United States since their marriage, and they had been peaceful and unobjectionable residents since the outbreak of the war. The New York Real Property Law limits the privilege of inheritance to "alien friends." The plaintiff filed a complaint to bar the defendant from any share of the decedent's estate on the ground that she was an "alien enemy." *Held,* that the complaint should be dismissed. *Hughes v. Techt* (1919, App. Div.) 177 N. Y. Supp. 420.

The case turned upon the meaning of "alien friend" under the New York statute. It was contended by the plaintiff that it had the popular meaning of a citizen of a state at peace with the United States. But the court decided, we believe correctly, that the term had the technical meaning assigned to it by the federal Trading with the Enemy Act and by international law, as set forth in numerous recent decisions—namely, the opposite of "alien enemy," and including, therefore, persons of enemy nationality who had been permitted under the governmental regulations to continue their peaceful residence in the United States. See (1917) 27 YALE LAW JOURNAL, 104. The American-born woman by marriage to an alien doubtless becomes an alien under the Act of Congress of March 2, 1907, 34 Stat. L. 1228. *Mackenzie v. Hare* (1915) 239 U. S. 299, 36 Sup. Ct. 106 (1918) *ibid.*, 97. At the outbreak of the war with Austria, she became, like her husband, the subject of an enemy state. But so long as her peaceful residence in the United States was not disturbed by expulsion, internment, or other measure which might have been taken against enemy citizens, she was by implication excluded from the technical character of an "alien enemy," and was empowered to continue in the enjoyment of all her civil rights. These have been held to cover the right to sue in domestic courts and the right to take real estate by purchase. *Porter v. Freudenberg* (C. A.) [1915] 1 K. B. 857; *Arndt-Ober v. Metropolitan Opera Co.* (1918) 182 App. Div. 513, 169 N. Y. Supp. 944; *Tortoriello v. Seghorn* (1918, N. J. Ch.) 103 Atl. 393. It is now construed to include the capacity to inherit.

ATTORNEY AND CLIENT—PRACTICE BY SUSPENDED ATTORNEY—DISBARMENT.—The defendant attorney was suspended from practice. During the period of his suspension he filed pleadings in the name of another attorney, and also in some instances in his own name. He maintained a law office, as before his suspension, with a sign which bore his name as attorney at law. He consulted clients in regard to their actions pending, and was present in court when their cases were tried. Disbarment proceedings were instituted. *Held,* that such acts constituted the practice of law in violation of the duty of a suspended attorney, and, together with other misconduct, were cause for disbarment. *State v. Fisher* (1919, Neb.) 174 N. W. 320.

That the acts of the defendant constituted the practice of law seems certain. The practice of law is not limited to the conduct of cases in courts. It embraces advice to clients regarding legal matters, pending or to be brought before a court of record, the preparation of pleadings and of legal instruments of all kinds, conveyancing, and, in general, all actions taken for clients in matters